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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,810	03/06/2002	Robert L. Miller II	01-2122.01	8404

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EXAMINER	
TRUONG, LAN DAI T	
ART UNIT	**PAPER NUMBER**
2152	

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/091,810	MILLER ET AL.	
	Examiner	Art Unit	
	Lan-Dai Thi Truong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) *2,10 and 16* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-9,11-15 and 17-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 June 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/05/2006 has been entered.

2. This action is response to communications: application, filed on 06/06/2001; amendment filed 05/05/2006. Claims 1-27 are pending; claims 2, 10, 16 are cancelled; claims 26-28 are added

3. The applicant's arguments file on 05/05/2006 have fully considered but they are moot in view with new ground for rejections

Response to Arguments

Regarding to applicant's argument with respect to the Carrcerano does not teach control values. The argument is not persuasive, Carcerano discloses communications between a browser based network configuration system and administrators in order to configure resources for devices such as facsimile machines, telephone controllers, cameras...etc. "configuration parameters" which is equivalent to "control values," those could be changed or updated from configuration information templates by administrators from remote workstations: Fig 5, items 105, 107; column 2, lines 46-53; column 5, lines 13-31

Claim rejections-35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or descry bed as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-9, 11-15, 17 and 20-22, 24-25 are rejected under 35 U.S.C 103(a) as being un-patentable over Carcerano et al. (U.S. 6,308,205) in view of Davidsion et al. (U.S. 5,428,748)

Regarding to claim 1:

Carcerano discloses the invention substantially as claimed, including a system, which can be implemented in a computer hardware or software code for managing elements of a communication network, comprising:

Memory for storing a provision template, the provision template having control values that have been defined via user input for provisioning network elements of the communication network, one of the control values indicative of how a user has specified a network element attribute is to be provisioned: (Carcerano discloses communications between a browser based network configuration system and "administrators" which is equivalent to "users" in order to configure resources for devices such as "facsimile machines, telephone controllers, cameras...etc." those are equivalent to "network elements." The browser based network management server including "a database" which is equivalent to "memory" for storing

"configuration parameters" which is equivalent to "control values," those are changed or updated from configuration information templates by administrators from remote workstations: Fig 5, items 105, 107; column 2, lines 46-53; column 5, lines 13-31)

However, Carcerano does not explicitly disclose a system controller configured to identify a plurality of network elements to which the provision template is to be applied and to automatically provision each of the identified network elements by updating a respective configuration of each of the identified network elements based on the one control value

In analogous art, Davidson discloses automatically configuring system; wherein "configuration information" which is equivalent to "control value" is automatically downloaded from a host computer. Davidson discloses the host computer includes a table of configuration parameters, a configuration setup program, which allow user to change the default configuration parameters, and the configuration setup program also can pack the changed configuration parameters into the compatible format needed by the peripheral device and automatically downloads those configuration parameter into the device: "column 1, lines 6-12; column 2, lines 44-67; column 5, lines 54-67)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Davidson's ideas of automatically downloading those configuration parameter into the device with Carcerano's system in order to provide an efficient configuration system

Regarding to claim 14:

Carcerano discloses the invention substantially as claimed, including a method, which can be implemented in a computer hardware or software code for managing elements of a communication network, comprising:

Defining a first provision template based on user input, the first provision template having control values and correlated with a plurality of network elements to which the first provision template is to be applied, each of the control values corresponding a respective network element attribute for each of the correlated network elements: (Carcerano discloses communications between a browser based network configuration system and administrators in order to configure resources for devices such as "facsimile machines, telephone controllers, cameras...etc." those are equivalent to "network elements." The browser based network management server including a database for storing "configuration parameters" which is equivalent to "control values," those are changed or updated from configuration information templates by administrators from remote workstations: Fig 5, items 105, 107; column 2, lines 46-53; column 5, lines template

However, Carcerano does not explicitly disclose automatically provisioning the correlated network elements based on each of the control values of the retrieve first provision template

In analogous art, Davidson discloses automatically configuring system; wherein "configuration information" which is equivalent to "control value" is automatically downloaded from a host computer. Davidson discloses the host computer includes a table of configuration parameters, a configuration setup program, which allow user to change the default configuration parameters, and the configuration setup program can also pack the changed configuration

parameters into the compatible format needed by the peripheral device and automatically downloads those configuration parameter into the device: "column 1, lines 6-12; column 2, lines 44-67; column 5, lines 54-67)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Davidson's ideas of automatically downloading those configuration parameter into the device with Carcerano's system in order to provide an efficient configuration system

Regarding to claim 8:

This claim is rejected under rationale of claim 1

Regarding to claim 9:

This claim is rejected under rationale of claim 3

Regarding to claim 12:

This claim is rejected under rationale of claim 1

Regarding to claim 13:

This claim is rejected under rationale of claim 1, in light of Carcerano

Regarding to claim 20:

This claim is rejected under rationale of claim 8

Regarding to claim 21:

This claim is rejected under rationale of claim 14

Regarding to claim 22:

This claim is rejected under rationale of claim 21

Regarding to claim 24:

This claim is rejected under rationale of claim 21, in light of Carcerano, wherein "template is displayed in HTML format" is equivalent to "second provision template:" (Carcerano: Fig 5, items 105, 107; column 2, lines 46-53; column 5, lines 13-31)

Regarding to claim 3:

In addition to the rejection in claim 1, Carcerano- Davidson further discloses:

The EMS is interfaced with a plurality of clients: (Carcerano: Fig. 1, item 3, 34, 13, 45, 37 e.g.).

One client is configured to display a GUI based on the selected set of GUI code and to define the provision template based on user inputs received by the one client, the one client further configured to transmit the template to the EMS: (Carcerano: template is displayed in HTML format, and the user can input the updated configuration information in the template and send them back into a database: column 9, lines 43-67).

The memory stores sets of graphical user interface (GUI) code, each of the sets of GUI code defining a different GUI; the system controller is configured to select one of the sets of GUI code and to provide the selected set of GUI code to one of the clients: (Carcerano discloses there are "HTML templates" which is equivalent to "set of graphical user interfaces" in the database so the user can make selection on configuration information, and each HTML template defines configuration for each network device: Fig 5, items 11, 107; Fig 6, items 141; column 9, lines 43-67)

Regarding to claim 4:

In addition to rejection in claim 1, Carcerano-Davidsion further discloses the EMS is interfaced with a plurality of clients, and wherein the system controller is configured to receive the

provision template data from one of the clients and to store the received provision template date in the memory: (Carcerano discloses the browser based network management server including a database for storing "configuration parameters" which is equivalent to "control values," those are changed or updated from configuration information templates by administrators from remote workstations: Fig 5, items 105, 107; column 2, lines 46-53; column 5, lines 13-31)

Regarding to claim 5:

In addition to the rejection in claim 4, Carcerano- Davidson further discloses the system controller receives the template data from the one client during a first communication session that is between the EMS and the one client, and wherein the system controller is configured to provide the template data to another of the clients during a second communication session that is between the EMS and the other client; wherein the system manager is configured to automatically provision each of the identified network elements in response to a request received from the other client during the second communication session: (Carcerano discloses template is displayed in HTML format, and the administrator can input updated configuration information in that template and send it back to database. Although Carcerano does not explicitly disclose there different sessions performances in his invention such as delivering updated configuration parameters into devices, however this feature is deemed to be process in the Carcerano's system in order to be able to complete configuration process, see (abstract, lines 15-20; column 9, lines 43-67)

Regarding to claim 6:

This claim is rejected under rationale of claim 1, in light of the Davidson

Regarding to claim 7:

In addition to the rejection in claim 5, Carcerano- Davidson further discloses wherein the system controller is configured to receive template data from the other client during the second communication session and to update the provision template data stored in the memory based on the template data received from the other client: (Carcerano discloses the browser based network management server including a database for storing "configuration parameters" which is equivalent to "control values," those are changed or updated from configuration information templates by "administrators" which is equivalent to "a client" from remote workstations; then the device receives the updated configuration parameters: Fig 5, items 105, 107; column 2, lines 46-53; column 5, lines 13-31)

Regarding to claim 11:

In addition to the rejection in claim 8, Carcerano- Davidson further discloses:

The EMS is interfaced with a plurality of clients: (Carcerano: Fig. 1, item 3, 34, 13, 45, 37 e.g.)

The system controller is configured to receive, from the one client, data that identifies the selected a plurality of network elements: (Carcerano discloses there are "HTML templates" which is equivalent to "set of graphical user interfaces" in the database so the user can make selections on configuration information, and each HTML template defines configuration parameters for each network device: (Fig 5, items 11, 107; Fig 6, items 141; column 9, lines 43-67)

the system controller is configured to select correlate the provision template with each of the selected network elements based on identified by the data received from the one client: (Davidson discloses automatically configuring system; wherein "configuration information" which is equivalent to "control value" is automatically downloaded from host computer.

Davidson discloses the host computer includes a table of configuration parameters, a configuration setup program, which allow user to change the default configuration parameters, and the configuration setup program can packs the changed configuration parameters into the compatible format need by the peripheral device and automatically downloads those configuration parameter into the device: "column 1, lines 6-12; column 2, lines 44-67; column 5, lines 54-67)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Davidson's ideas of automatically downloading those configuration parameter into the device with Carcerano's system in order to provide an efficient configuration system

Regarding to claim 15:

In addition to the rejection in claim 14, Carcerano- Davidson further discloses:

Displaying the first provision template: (Carcerano discloses the retrieved template is displaced in HTML format: column 9, lines 43-67).

Updating the first provision template base on user inputs; wherein the provisioning step includes the step of storing control values indicated by the update first provision template into each of the correlated network elements (Carcerano discloses a user can fill in or selects updated configuration information from blank or drop down window in retrieved template, and the updated template is stored back into a database: Fig 5, items 104, 105, 107; column 15, lines 56-67)

Regarding to claims 17:

In addition to the rejection in claim 14, Carcerano- Davidson further discloses:

Defining a second provision template, wherein the second provision template has a control values for controlling a particular network element attribute and wherein one of the control values of the first provision template is for controlling the particular network element attribute: (column 1, lines 25-38, 52-67; column 2, lines 5-67)

Selecting between the first and second provision templates based on the request, wherein the retrieving step is based on the selecting between the first and second provision templates step: (column 1, lines 25-38, 52-67; column 2, lines 5-67)

Regarding to claim 25

This claim is rejected under rationale of claim 17

Claims 26-28 are rejected under 35 U.S.C 103(a) as being un-patentable over Carcerano-Davidsion in view of Iijima et al. (U.S. 6,223,218)

Regarding to claims 26-28:

Carcerano-Davidsion discloses the invention substantially as disclosed in claims 1, 12 and 21, but does not explicitly teach the network element attribute for each of the identified network elements if provisioned by the system controller without the user repetitively specifying how the network element attribute is to be provisioned for the identified network elements

In analogous art, Iijima discloses an automatic configuration information setting system; wherein configuration parameters are automatically set and updated without effort by network administrator: (abstract, lines 1-25)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Iijima's ideas of automatically setting/updating configuration

parameters for network sdevices/switch with Carcerano-Davidsion's system in order to provide an efficient configuration system

Claims 18-19 and 23 are rejected under 35 U.S.C 103(a) as being un-patentable over Carcerano-Davidsion in view of Lewis et al. (U.S. 6,243,747)

Regarding to claims 18-19 and 23:

Carcerano-Davidsion discloses the invention substantially as disclosed in claims 1 and 21, but does not explicitly teach wherein the network element attribute is line speed, and wherein the system controller establishes the line speed of each the plurality of network elements based on the control value.

However, discloses and configuration system for configuration management is less time consuming, see (Lewis: abstract, lines 1-19)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Lewis's ideas of configuration management is less time consuming with Carcerano's system in order to be able to provide an improved speed communication system

Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan-Dai Thi Truong whose telephone number is 571-272-7959. The examiner can normally be reached on Monday- Friday from 8:30am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob A. Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ldt,
07/22/2006

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